

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF NORTH CAROLINA  
GREENSBORO DIVISION

ENTERED

JUL 06 2001  
U.S. Bankruptcy Court  
Greensboro, NC  
AHH

In Re: ) Chapter 13  
 ) Case No. 99-80231  
VIVIAN LEWIS REED, )  
SS# 238-31-4177 )  
 )  
 )  
 )

ORDER

This cause having come before the Court upon Conseco Finance Servicing Corp. f/k/a Green Tree Financial Servicing Corporation's, Motion for Relief From Stay and Co-Debtor Relief from Stay, for Ratification of Foreclosure Sale and Affirmation of Post Foreclosure Sale Recordation of Foreclosure Documents and Trustee's Deed and the Court having reviewed the court's file and being otherwise fully advised, makes the following findings:

1. The Secured Creditor filed its Motion For Relief From Stay and Co-Debtor Relief from Stay, for Ratification of Foreclosure Sale and Affirmation of Post Foreclosure Sale Recordation of Foreclosure Documents and Trustee's Deed with the Court on May 2, 2001. The Clerk of Bankruptcy Court issued a Notice of Hearing on May 7, 2001 setting the hearing of this matter on for May 31, 2001.

2. The Debtor and Co-Debtor have received Notice of Hearing of the hearing on the movant's Motion for Relief From Stay and Co-Debtor Relief from Stay, for Ratification of Foreclosure Sale and Affirmation of Post Foreclosure Sale Recordation of Foreclosure Documents and Trustee's Deed and this matter is properly before the Court.

3. The Debtor's Chapter 13 Case is an open and active Chapter 13 proceeding at the time of the Hearing of this matter.

4. The Debtor failed to make the monthly payments due the Movant and is in default under the Manufactured Home Retail Installment Contract and Security Agreement.

5. The default of the Debtor is sufficient grounds for Relief from Stay for cause under 11 U.S.C. 362(d).

6. Relief from Stay and Co-Debtor Relief from Stay is granted and Conseco Finance Servicing Corp. may proceed with the foreclosure in this matter.

7. The Court is without jurisdiction to grant the Creditor's Motion for Ratification of Foreclosure Sale and Affirmation of Post Foreclosure Sale Recordation of Foreclosure Documents and the same therefore is denied.

Based upon the foregoing Findings of Fact, the Court concludes as a matter of law that the Creditor is entitled to Relief from Stay, for cause under the provisions of 11 U.S.C. 362(d), subject to the conditions of this Order.

Based upon the foregoing Findings of Fact and Conclusion of Law, it is

**HEREBY ORDERED, ADJUDGED AND DECREED** that the Motion for Relief From Stay and Co-Debtor Relief from Stay filed by the Creditor, Consecro Finance Servicing Corp. f/k/a Green Tree Financial Servicing Corporation is hereby granted and the automatic stay provisions of 11 U.S.C. 362(E) and 1301 shall be lifted as to the Creditor's perfected security interest in the Deed of Trust on Cornerstone Drive, Lot 14, in the City/Town/Village of Oxford, County of Granville, State of North Carolina and more particularly described in a Deed of Trust recorded in Book 722, Page 498, in the Granville County Registry, North Carolina. Consecro Financial Servicing Corporation, f/k/a Green Tree Financial Servicing Corp., may proceed to take possession thereof and realize thereupon in accordance with its contract and non-bankruptcy law without further notice to the Debtor, Co-Debtor, Debtor's attorney, or hearing before this Court. This Order is final and immediately enforceable, the provisions of Bankruptcy Rule 4001(a)(3) notwithstanding. Consecro Finance Servicing Corp. may proceed with the foreclosure in this matter.

3. The Motion for Ratification of Foreclosure Sale and Affirmation of Post Foreclosure Sale Recordation of Foreclosure Documents and Trustee's Deed is denied.

DONE AND ORDERED this 29<sup>th</sup> day of June, 2001.  
CATHARINE R. CARPENTERS

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Bankruptcy Judge

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CERTIFICATE OF SERVICE

THE IS TO CERTIFY that on the below date, the undersigned Deputy Clerk served a copy of the ORDER by depositing the same, enclosed in a postpaid wrapper, properly addressed to the following parties in interest, at their last known addresses as shown below, in a post office or official depository under the exclusive care and custody of the United States Postal Service:

TO: Richard M. Hutson, II, Trustee  
Chapter 13 Trustee  
P.O. Box 3613  
Durham, North Carolina 27702

Vivian Lewis Reed, Debtor  
c/o Donald D. Pergerson, Esquire  
P.O. Box 2289  
Henderson, North Carolina 27536

Eric Raymon Reed, Co-Debtor  
4089 Cornerstone Drive  
Oxford, North Carolina 27565

Conseco Finance Servicing Corp.  
f/k/a Green Tree Financial Servicing Corporation  
c/o John A. Meadows, Esquire  
2596 Reynolda Road, Suite C  
Winston-Salem, North Carolina 27106

Michael D. West, Esquire (HAND DELIVERED)  
U.S. Bankruptcy Administrator

THIS the 6<sup>th</sup> day of July, 2001.

OFFICE OF THE CLERK

BY: ANN HELMS

Deputy Clerk